

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – CENTRAL COAST REGIONAL WATER BOARD
JUNE 7, 2022**

ITEM 7

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COASTAL BASIN TO IMPROVE AND CLARIFY WASTE DISCHARGE PROHIBITION LANGUAGE.

DISCUSSION

Background

On February 18, 2022, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted [Resolution No. R3-2022-0001](#) to amend the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) to improve and clarify waste discharge prohibition language.

The amendments adopted by the Central Coast Water Board include both substantive and editorial changes to the Basin Plan. The substantive changes are limited to the following and are necessary to better protect water quality by prohibiting specific unauthorized waste discharges to waters of the State and by clarifying the applicability of existing waste discharge prohibitions.

- Amendments to establish additional prohibitions on specific unauthorized waste discharges¹ to all waters of the State within the geographic boundaries of the Central Coast region (sections 5.4, 5.4.1, and 5.4.2 of the 2019 Basin Plan).
- Amendments to clarify language related to “inland surface waters of the State” (section 5.4.2)
- Amendments to the existing land disturbance prohibitions to clarify their applicability to unauthorized discharges into waters of the State and to remove exemptions for discharge types that are now regulated and are known to cause or contribute to the degradation of water quality (sections 4.8.5.1 and 5.3.6).

The remaining changes are editorial and are necessary to improve the clarity of the Basin Plan. Improved clarity will ensure that staff, stakeholders, and members of the public have a common understanding of foundational information in the Basin Plan in

¹ A discharger complying with a Regional Water Quality Control Board, or State Water Board order regulating the discharge or a discharge that is exempt from obtaining waste discharge requirements pursuant to the California Water Code or the Basin Plan is not subject to the prohibition.

relation to the application and implementation of Basin Plan policies and water quality standards.

A detailed discussion of each amendment is provided in the [Project Report](#)² and includes the rationale and justification for each amendment based on facts, studies, and/or expert opinion. A brief summary of the amendments is provided below.

Summary of Amendments

Amendments to establish additional prohibitions on specific unauthorized waste discharges to all waters of the State. Three additional prohibitions for specific unauthorized discharges to all waters of the State within the Central Coast region will be added to section 5.4.1 of the Basin Plan. The new prohibitions on specific types of unauthorized waste discharges include sediment, well development water, and construction dewatering water to waters of the State in a manner causing or threatening to cause a condition of pollution, contamination, or nuisance. These specific types of unauthorized discharges have been observed in the Central Coast region, and a prohibition on such discharges is needed to better protect beneficial uses in the Central Coast region. In addition, the amendments include new prohibitions on discharges to a stormwater conveyance system that is not composed entirely of stormwater and discharges of treated or untreated sewage to waters of the State or to a stormwater conveyance system.

Amendments to clarify prohibitions on specific unauthorized waste discharges in inland surface waters of the State. Amendments to section 5.4.2 clarify that the prohibitions therein apply to unauthorized waste discharges to “inland surface waters of the State” (revising language that simply stated “surface waters” or “inland waters”).

Amendments to the existing land disturbance prohibitions. Several revisions have been made to the existing land disturbance prohibition language in section 4.8.5.1 to improve and clarify the language. Specific amendments to section 4.8.5.1 include the following:

- Clarify that this prohibition applies to unauthorized discharges (by adding the words “unless authorized, or exempt by the California Water Code or the Basin Plan”).
- Clarify that this prohibition applies to waters of the State (replacing the language “any stream in the basin” with “waters of the State”), which includes streams, rivers, estuaries, lakes, and wetlands.³

² https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2022/feb/item15_att2

³ Certain wetlands are waters of the State, as set forth in the State Water Board's [State Wetland Definition and Procedures for Discharges of Dredge or Fill Materials to Waters of the State](#). The *Procedures* set a framework for determining whether a feature that meets the wetland definition is a water of the State. This amendment applies to waters of the State.

- Remove mention of specific land disturbance activity examples (e.g., timber harvesting and construction) to clarify that this prohibition applies to all soil disturbance activities.
- Remove language related to best management practices, which are implemented through orders and management agency agreements and therefore are not subject to the prohibitions.
- Remove exemptions from regulation for certain agriculture soil disturbance activities. As the Central Coast Water Board found in General Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2021-0040 (Agricultural Order 4.0), agricultural activities have been identified to cause severe erosion and cause or threaten to cause a condition of pollution or nuisance. Therefore, these exemptions are no longer appropriate.

Amendment to add a list of Basin Plan sections containing waste discharge prohibitions (editorial). This amendment to section 4.5.1.5 of the Basin Plan adds a list of the sections of the Basin Plan that contain waste discharge prohibitions.

Amendment to add a map of the Monterey Bay prohibition zone (editorial). This amendment adds a new graphic map to illustrate the extent of the existing Monterey Bay prohibition zone that is already described verbally in the Basin Plan, an area where waste discharges are prohibited. The new map will be added to section 5.4.3 of the Basin Plan.

Amendment to consolidate existing domestic animal waste prohibitions (editorial). This amendment consolidates the existing domestic animal waste prohibitions (currently in sections 4.8.5.6, 5.4.2.1, and 5.4.5) into section 5.4.2.1 of the Basin Plan.

Amendment to correct typos (editorial). This amendment corrects typos in section 4.5.1.6 (Enforcement Actions).

POLICY ISSUE

Should the State Water Board approve the amendment to improve and clarify waste discharge prohibition language in the Basin Plan?

FISCAL IMPACT

Central Coast Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Central Coast Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2022-0001.
2. Authorize the Executive Director or designee to submit the amendment adopted under Central Coast Water Board Resolution No. R3-2022-0001 and the administrative record for this action to the Office of Administrative Law and the Basin Plan amendment to the U.S. Environmental Protection Agency for approval.